

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Advanced Television Systems and Their Impact)
Upon the Existing Television Broadcast Service)
Petition for Rule Making)
)

JUN 18 1998
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

RM No. 9260

**REPLY COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters ("NAB") submits these reply comments in connection with the above-captioned *Petition for Rule Making* ("Petition").¹ NAB again urges the Commission to deny the petition. Supporters of the petition have not offered substantial justification for the establishment of a new class of television stations – much less for one which could severely complicate and hamper the transition to DTV.

Not surprisingly, a majority of commenters – most of whom are current LPTV licensees – were strong supporters of the proposal in the petition. The desires of these licensees notwithstanding, the arguments for establishment of a new class of television stations are the same arguments that have already been heard and dismissed by the Commission in the on-going DTV proceeding.

Many of these LPTV licensees detailed the community service that is provided by their LPTV stations.² The Commission has not questioned the services that LPTV stations provide.³ The

¹ *In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, RM-9260, filed on September 30, 1997, amended March 18, 1998, placed on Public Notice on April 21, 1998.

² See e.g. Comments of IBL at 8-12; Airwaves, Inc. comments at 2; Engle Broadcasting comments at 2.

³ See *Sixth Further Notice of Proposed Rule Making*, 11 FCC Rcd 10968, 10995 (1997).

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FCC has, however, taken myriad factors into consideration in determining how to effectively implement DTV including consideration of LPTV. As we stated in our comments, after due consideration the Commission reasonably determined that LPTVs must yield to new full-power DTV stations due to their secondary status and the scarcity of spectrum for DTV.⁴ This determination does not change, nor is it affected by, the programming benefits provided by LPTV stations. The simple fact remains that the Commission has dedicated itself to implementing DTV service through the existing full-power stations.⁵ LPTV stations, or any proposed new class of stations, should not be allowed impede that goal.

Several supporters expressed concerns over the uncertainty of the survival of their LPTV stations due to displacement caused by the DTV transition.⁶ As NAB pointed out in our comments, at this juncture, displacement is unavoidable in many cases.⁷ NAB is sympathetic to the uncertainty that will continue to face LPTVs and that may in fact result in more than one relocation as full-power DTV stations perfect their coverage areas. But this kind of eventuality is precisely the kind of potential adjustments in the DTV transition that new primary Class A station licensees could frustrate. Also, the transition to DTV by full-power stations is not without its own uncertainty and dislocations. As Press Communications pointed out in its comments, there are many "unknowable technical problems" that may be encountered as full-power stations convert to DTV.⁸ The

⁴ NAB comments at 3, n. 11.

⁵ The FCC should concentrate its limited resources on resolving all of the unfinished DTV rule makings that are necessary to effectuate the DTV transition. Establishing a rule making to create an unnecessary class of television stations would take away valuable resources that should be used to ensure a smooth transition to DTV.

⁶ See He's Alive Broadcasting Assn. comments; Free Life Ministries comments; Holston Valley Broadcasting comments at 3.

⁷ NAB comments at 3.

⁸ Press Communications LLC comments at 3.

Commission should not take any action that would complicate these problems and make more difficult the DTV transition.

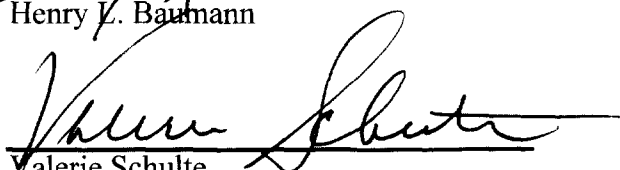
In conclusion, the Commission should not take up this issue when it has already decided that LPTV cannot be accommodated in the midst of the DTV transition. Although LPTVs may provide beneficial programming to their communities, the FCC has maintained time and again that this service is secondary. NAB believes that it should remain secondary, despite the fact that many stations face displacement and relocation. The DTV transition is too important and uncertain to insert new and unnecessary forks in the road to DTV. Instead, the Commission must follow the straight path it has set out for the difficult changeover to digital television.

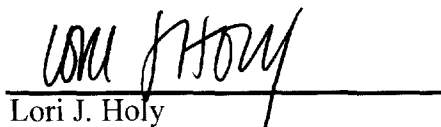
Respectfully submitted,

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June 8, 1998

CERTIFICATE OF SERVICE

I, Angela Barber, Legal Secretary for the National Association of Broadcasters, hereby certifies that a true and correct copy of the foregoing Reply Comments of the National Association of Broadcasters was sent the 8th day of June, 1998, by first-class mail, postage prepaid, to the following:

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